IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 18069 OF 2005

Dated : 16th August, 2005

Between:

Smt. P.Padmini

Petitioner

AND

The Municipal Corporation of Nizamabad,

Rep. By its Commissioner, Nizamabad and another.

Respondents

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

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W.P. No. 18069 OF 2005

ORAL ORDER

Assailing the action of the respondents in proposing to lay 40' road in petitioner's plot No. 2 (Old), Ward No.6, Block No. 18, admeasuring 223.33 Sq. yards in Sy. No. 397/A, situated at Gurbabadi area, Besides Adarsh Nagar, Nizamabad, without issuing any notice, as illegal and arbitrary, the petitioners filed this writ petition.

The case of the petitioner is that her husband purchased plot the above property on 6.6.1981 under registered document and right from the date of purchase, her husband was in possession and after his death in the year 1998, she is in possession of the same. While so, on 7.8.2005, the 2nd respondent visited her plot and informed that they are laying 40' road through the plot. It is further stated that on 12.8.2005, the respondents have allotted the site to the contractor for laying the road, without notifying the area for acquisition. Therefore, the petitioner came up with this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Roads and Buildings.

The issue involved in this writ petition is no more *res integra* in view of the guidelines issued by a Division Bench of this court in *Pilli Lakshmana Rao and others Vs. Executive Officer, Gram Panchayath, Challapalle and others ()*, wherein it is held that when any property is required for public purpose, the authorities straightaway cannot take the law into their hands and jump into the premises and attempt to evict the occupants or dispossess them or demolish their property. Before taking any such action, the authorities concerned shall issue a notice notifying as to the nature of the property, the purpose for which it is required, to whom it belongs and the action proposed calling for explanation or objections, if any, from the occupants and after considering the said objections or

explanation, the authorities shall pass appropriate orders.

Having regard to these guidelines, the respondents are directed to follow the guidelines issued in *Pilli Lakshmana Rao* case, if they intend to lay 40' road in the plot of the petitioner, as averred in the affidavit.

With these directions, the writ petition stands disposed of. No order as to costs.

Elipe Dharma Rao, J.

August 16, 2005

MAS.